IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2647 OF 2005

ST Francis Industrial Traning Institute and Ors. .. ..Petitioners
Versus
Mr.P.J.Jose and Ors. .. Respondents

Mr.C.R.Naidu for petitioners
Mr.C.U.Singh

CORAM : P.V.KAKADE, J.

DATE : 28TH NOVEMBER,2005

P.C.:

1. Heard the learned counsel for both the parties.

2. Rule, rule made returnable forthwith.

3. This Petition is preferred against the Judgment and Order dated 3.9.2005 passed by Presiding Officer, School Tribunal, Mumbai in Appeal No.MMU/2 of 2005 deciding the preliminary issue regarding jurisdiction and holding that the Tribunal had jurisdiction to entertain and try the appeal.

4. Without further elaboration, it must be noted that both the parties have agreed to go to the Lower Court and get the matter adjudicated finally on all the issues involved. In these circumstances, without going into the merits, it is hereby directed that the School Tribunal Mumbai shall adjudicate the appeal on merits deciding all the issues involved exhaustively including the issue regarding the maintainability of the appeal. In doing so both the parties shall be at liberty to lead evidence in respect of this issue of maintainability. The matter to be disposed of on or before 31st March 2006 from the date of receipt of Writ of this Court. All the issues involved in this Petition are left open for adjudication of the appeal by the School Tribunal at the time of deciding the matter finally on merits. With this direction this petition stands disposed of with no order as to costs. Rule stands discharged.